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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

E-FILED - 7/24/07

YAHRU CHENG and TUNGHUNG TSAI,)
)
Plaintiffs,)
)
v.)
)
PAUL NOVAK, JR., Director, Citizenship)
and Immigration Services, Vermont Service)
Center; et al.,)
)
Defendants.)
_____)

No. C 07-1213 RMW

STIPULATION TO VACATE HEARING
DATE ON THE PARTIES' CROSS-
MOTION FOR SUMMARY JUDGMENT;
AND [] ORDER

Date: July 27, 2007
Time: 9:00 a.m.
Courtroom: 6, 4th Floor

The Plaintiffs, by and through their attorney of record, and Defendants,¹ by and through their attorneys of record, hereby stipulate, subject to approval of the Court, to vacate the hearing date on Defendants' Motion to Dismiss and the Case Management Conference, which is currently scheduled for July 27, 2007, in light of the following:

1. On May 15, 2007, the Court scheduled a hearing for July 27, 2007 on the Defendants' Motion to Dismiss.
2. On June 12, 2007, the Court continued the Case Management Conference ("CMC") until

¹I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

STIPULATION TO VACATE HEARING DATE
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July 27, 2007.

3. On July 2, 2007, the State Department issued an "Update on July Visa Availability" stating that there were no more employment-based visa numbers available for the rest of the fiscal year, attached hereto as Exhibit A.

4. The State Department will not be issuing any more employment-based visas until October 2007, and the U.S. Citizenship and Immigration Services is statutorily unable to adjudicate the applications for adjustment of status.

5. Therefore, the parties hereby request this Court to vacate the July 27, 2007 hearing and CMC date, and to hold the case in abeyance until visas become available. Within three days of visas becoming available, the parties agree to reset the hearing date on Defendants' Motion to Dismiss, as well as the date for the CMC.

Dated: July 13, 2007

/S/
MELANIE L. PROCTOR
Assistant United States Attorney
Attorney for Defendants

Dated: July 13, 2007

/S/
SCOTT BRATTON
Attorney for Plaintiffs

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that the parties' July 27, 2007 hearing and Case Management Conference are vacated.

Dated: July 27, 2007


RONALD M. WHYTE
United States District Judge